

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 326 of 1996

PARESH SHANTILAL ANJARIA

Versus

URBAN LAND TRIBUNAL AND ADDL. CHIEF SECRETARY TO THE GOVT.

Appearance:

MR HARIN P RAVAL for Petitioner

MR SJ DAVE AGP for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It merely requires to be noted on the basis of the record of the present petition, that the petitioner

has challenged herein the judgment in appeal under section 33 of the Act of 1976, confirming the order of the Competent Authority. By virtue of ad interim relief granted in the present petition by order dated 17th April, 1996 and confirmed thereafter, both sides were required to maintain the status quo in respect of the subject matter of the present petition. It would therefore appear that no proceedings beyond section 9 have been taken, and that the petitioner is in possession of the land in question. It is further clarified that these are mere observations on the basis of the record of the present petition, and are not to be regarded as findings of fact on any factual controversy between the parties.

(Y.B. BHATT, J.)

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